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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,074

11/26/2003

David C. Long

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28165

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11/29/2006

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EXAMINER

KARLS, SHAY LYNN

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/723,074		LONG ET AL.	
	Examiner		Art Unit	
	Shay L. Karls		1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,10-19,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 and 31 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8 and 10-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 8, 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Girardot et al. (USPN 6406206), Zayas and Blaustein.

With regards to claim 1, Adams teaches a portable powered cleaning device comprising a housing (12) and motor (26) mounted in the housing. The motor comprises a drive shaft (36), which is coupled to a carrier (40). The carrier reciprocates with respect to the housing when the drive shaft is moved. There is a cleaning attachment (52) removably attached to the carrier and recesses filled with surface treatment (56) located between the cleaning attachment and the carrier.

With regards to claim 10, the cleaning attachment is made from rubber (col. 2, lines 29-30).

With regards to claims 11 and 12, the surface treatment composition is in liquid, gel or paste form and can be used to clean or polish (col. 2, lines 33-39).

With regards to claim 13, the surface treatment comprises surfactants (detergent) (col. 2, lines 33-39).

Adams teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is located in a separate packet wherein the packet is perforated and includes a peel off layer covering the perforations and also that the cleaning attachment is attached to the carrier by a hook and loop fastener connection. Adams also fails to teach that the carrier reciprocates between 3,000 and 10,000 cycles per minute (claim 1 and 8) and that the cleaning attachment is triangular (claim 1).

Girardot teaches a cleaning packet comprising a surface treatment composition (60) such as a cleaning agent (col. 4, lines 6-9) having a peel off layer (40) covering perforations (30). Zayas teaches a cleaning device which comprises a cleaning attachment attached to a carrier by many fastening means such as clips, snaps or hook and loop material (col. 3, lines 29-32). Blaustein teaches a cleaning element with a cleaning attachment that reciprocates at 6,000 cycles per minute (col. 4, line 5).

It would have been obvious to replace the recesses filled with the surface treatment composition as taught by Adams with the packets as taught by Girardot. Using packets with a peel off surface aids in containment of the surface treatment composition until the packet is ready to be used (col. 1, lines 53-57). This will increase the shelf life of the packets. Additionally, Adams states that any type of fastener could be used to attach the cleaning attachment (col. 2, lines 40-47), and Zayas teaches that snaps, clips and hook and loop fastening means are interchangeable, it would have been obvious to modify Adams' fastening means so that hook and loop material is used to attach the cleaning attachment. The hook and loop material could either be located on the top surface of the carrier in the place of the existing clips or the hook and loop material could be located on the bottom surface of the carrier and when the packet is placed between the carrier and the cleaning attachment, the cleaning attachment would be connected to the carrier by the hook and loop material not covered by the packet. Additionally, it would have been obvious to modify Adams, Girardot and Zayas' invention to reciprocate at least 3,000 cycles per minute as taught by Blaustein to achieve proper cleaning and scrubbing.

With regards to the limitation that the attachment is triangular shaped, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the attachment triangular because Applicant has not disclosed that a triangular shaped attachment provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with round, rectangular or triangular attachments because these shapes perform the same function of cleaning equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Adams to obtain the invention as specified in claim 1.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams (USPN 2590913), Girardot (USPN 6406206), Zayas (USPN 5493749), Blaustein (USPN 6725490) further in view of Dickler (USPN 6037319).

Adams, Girardot, Zayas and Blaustein teach all the essential elements of the claimed invention however fails to teach that the surface treatment composition packet is water dissolvable (claim 2) and that the packet is made of polyvinyl alcohol (claim 3). Dickler teaches a liquid dispensing packet made from a water dissolvable material such as polyvinyl alcohol (col. 2, lines 64-66; col. 3, lines 1-7). It would have been obvious to use make the packages of treatment composition of Girardot water dissolvable as taught by Dickler to eliminate waste and furthermore the user would not have to come in contact with any of the treatment composition whether when disposing of a non-dissolvable packet or when refilling a non-dissolvable packet, thus eliminating any injuries that may occur due to the cleaning solution. Also, refilling of a non-dissolvable packet could lead to cross contamination if refilling with a different cleaning solution.

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Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams, Girardot, Zayas and Blaustein as applied to claim 1 above and further in view of Super (USPN 6493903).

Adams, Girardot, Zayas and Blaustein teach all the essential elements of the claimed invention however fail to teach a lamp located in the forward part of the housing. Super teaches a cleaning device comprising a headlamp. It would have been obvious to add a head light to Adams, Girardot, Zayas and Blaustein's invention so that the area being cleaned can be illuminated to allow for a proper and thorough cleaning of the area.

Claims 1, 5-6, 8 and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USPN 5701625) in view of Girardot et al. (USPN 6406206), Zayas (USPN 5493749) and Blaustein et al. (USPN 6725490).

With regards to claim 1, Siman teaches a portable powered cleaning device comprising a housing (1) and motor (3) mounted in the housing. The motor comprises a drive shaft (6), which is coupled to a carrier (27, 28). The carrier reciprocates with respect to the housing when the drive shaft is moved. There is a cleaning attachment (30) removably attached to the carrier.

With regards to claim 5, there is a rechargeable battery disposed in the housing for powering the motor (col. 4, lines 54-56).

With regards to claim 6, there is a power switch (12) coupled between the battery and the motor (col. 2, lines 63-65).

With regards to claim 10, the cleaning attachment is made from cloth, sponge or bristles (32; col. 3, lines 50-55).

With regards to claims 11 and 12, the surface treatment composition is in liquid, gel or paste form and can be used to clean or polish (detergent and water; col. 4, lines 23-53).

With regards to claim 13, the surface treatment comprises surfactants and solvents (detergents and water).

With regards to claim 14, the carrier further comprises a substantially rigid body coupled to the drive shaft by a bearing (7).

With regards to claim 15, the carrier further comprises a plate attached to the bottom side of the carrier (not labeled, shown in figure 5a, as the horizontal plate located above 30 integral with 27 and 28).

Siman teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is located in a separate packet wherein the packet is perforated and includes a peel off layer covering the perforations and that the cleaning attachment is attached to the carrier by a hook and loop fastening means (claim 1). Siman also fails to teach that the carrier reciprocates between 3,000 and 10,000 cycles per minute (claim 1 and 8). Additionally, Siman fails to teach that a foam layer attached to the underside of the carrier plate (claim 16) and that the foam is attached to the carrier plate by hook and loop material (claims 17 and 18).

Girardot teaches a cleaning packet comprising a surface treatment composition (60) such as a cleaning agent (col. 4, lines 6-9) having a peel off layer (40) covering perforations (30). Zayas teaches a cleaning device which comprises a cleaning attachment attached to a carrier by many fastening means such as clips, snaps or hook and loop material (col. 3, lines 29-32). Blaustein teaches a cleaning element with a cleaning attachment that reciprocates at 6,000 cycles per minute (col. 4, line 5).

It would have been obvious to replace the recess (15) with holding a surface treatment composition as taught by Siman with the packets of Girardot since it would be easier to refill the hand held scrubber when more surface treatment is necessary. Also the packets are more advantageous since the surface treatment will not spread through the cleaning attachment until wet. Additionally, it would have been obvious to modify Siman's fastening means (which are not disclosed) with a hook and loop material is used to attach the cleaning attachment as taught by Zayas so that once the cleaning attachment becomes used or worn it can be easily removed and replaced. The hook and loop material could be attached to the bottom surface of the carrier plate and when the packet is placed between the carrier plate

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and the cleaning attachment, the cleaning attachment would be connected to the carrier by the hook and loop material not covered by the packet. Additionally, it would have been obvious to modify Siman, Girardot and Zayas' invention to reciprocate at least 3,000 cycles per minute as taught by Blaustein to achieve proper cleaning and scrubbing.

With regards to claim 16, Siman teaches using a sponge material for the cleaning attachment however does not explicitly state that the sponge is a foam material. It is known in the art that foam can be used in cleaning applications for cleaning and polishing. It would have been obvious to use foam as an alternative to the sponge since both have similar characteristics such as being absorptive and resilient.

With regards to the limitation that the attachment is triangular shaped (claim 1), at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to make the attachment triangular because Applicant has not disclosed that a triangular shaped attachment provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with a round, rectangular or triangular attachment because these shapes perform the same function of cleaning equally well. Therefore, it would have been obvious to one of ordinary skill in the art to modify Siman to obtain the invention as specified in claim 1.

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USPN 5701625), Girardot et al. (USPN 6406206), Zayas (USPN 5493749) and Blaustein (USPN 6725490) and further in view of Dickler (USPN 6037319).

Siman, Girardot, Zayas and Blaustein teaches all the essential elements of the claimed invention however fails to teach that the surface treatment composition is water dissolvable (claim 2) and that the packet is made of polyvinyl alcohol (claim 3). Dickler teaches a liquid dispensing packet made from a water dissolvable material such as polyvinyl alcohol (col. 2, lines 64-66; col. 3, lines 1-7). It would have been obvious to use make the packages of treatment composition of Girardot water dissolvable as taught

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by Dickler to eliminate waste and furthermore the user would not have to come in contact with any of the treatment composition whether when disposing of a non-dissolvable packet or when refilling a non-dissolvable packet, thus eliminating any injuries that may occur due to the cleaning solution. Also, refilling of a non-dissolvable packet could lead to cross contamination if refilling with a different cleaning solution.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siman (USPN 5701625), Girardot et al. (USPN 6406206), Zayas (USPN 5493749) and Blaustein (USPN 6725490) and further in view of Kasen et al. (USPN 5937475).

Siman, Girardot, Zayas and Blaustein teach all the essential elements of the claimed invention however fail to teach an interrupt switch. Kasen teaches an extractor with an interrupt switch (98) located between the motor and the source of electricity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Siman's cleaning machine to include an interrupt switch as taught by Kasen so that the cleaning attachment of Siman can alternate between reciprocation or no reciprocation without completely turning off the device. This would allow for providing only surface treatment composition to the cleaning surface at times when the cleaning attachment is not to be reciprocated (col. 4, lines 33-50).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Siman, Girardot, Zayas and Blaustein as applied to claim 1 above and further in view of Super (USPN 6493903).

Siman, Girardot, Zayas and Blaustein teach all the essential elements of the claimed invention however fail to teach a lamp located in the forward part of the housing. Super teaches a cleaning device comprising a headlamp. It would have been obvious to add a head light to Siman, Girardot, Zayas and Blaustein's invention so that the area being cleaned can be illuminated to allow for a proper and thorough cleaning of the area.

Allowable Subject Matter

Claims 30-31 allowed.

The following is an examiner's statement of reasons for allowance:

Claim 30 teaches a cleaning attachment as well as a scrub brush external to the cleaning attachment that reciprocates in an orbital path. Both the cleaning attachment and the scrub brush are located on a carrier that reciprocates with respect to the housing. The scrub brush comprises an elongated body located between the carrier and the cleaning element. Gruber et al. (USPN 6463615) fails to teach a scrub brush reciprocating in an orbital path. The brush of Gruber just reciprocates back and forth and not in an orbit path. While orbital reciprocating brushes are known in the art, the combination of an orbital reciprocating brush having an elongated body located between the carrier and the cleaning element is not known and therefore free from the prior art. It would not have been obvious to modify references to achieve the claimed invention since there is no motivation or teaching to do so.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 9/20/06 have been fully considered but they are not persuasive.

The claim language states that access to the packet can be obtained by peeling the cleaning attachment at least partially away from the carrier. This is possible by the combination of the Adams and Siman references with the Zayas reference and the Girardot reference. The modification of the hook and loop material will allow the cleaning attachment to be peeled away from the carrier to access the packet. The packet then would be capable of having the peel-off layer removed to access the surface treatment composition. The cleaning attachment would then be capable of being reattached, over the opened packet, to the carrier. By having the cleaning attachment peelable from the carrier to gain access to the

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packet allows the packet to be changed when necessary. Thus modifying the existing surface treatment compositions of Adams and Siman so that they are in packets with a peel-off layer as taught by Girardot clearly reads on the claimed limitations. While Girardot teaches an applicator pad with a surface treatment composition, which requires manual compression to cause delivery, if the packet was used with a surface treatment composition with a higher viscosity, then manual compression would not be necessary. Thus the surface treatment compositions of Adams and Siman have a higher viscosity and would not require compression. The compositions would just flow freely through the perforations to the cleaning attachment as it currently flows freely from the carrier to the cleaning attachment. The surface treatment compositions of Adams and Siman are modified with the packet of Girardot so that once the composition needs to be refilled, instead of filling the recesses in the carrier with the treatment composition, a new packet can be placed in the recess without worrying about spilling the treatment composition.

Regarding the argument about a triangular shape, the applicant states that the triangular shape is better suited for cleaning corners. The examiner would like to point out that a rectangular shaped attachment would fit into a corner and clean it equally as well as a triangular attachment and therefore, the triangle shape does not possess an advantage over a rectangular shaped attachment. Additionally, the claims do not state what the cleaning device is to be used for. By stating that the device is to be used for cleaning corners is an intended use limitation and would hold no patentable weight. Therefore, since the device could be used to clean walls as well as corners, it would have been obvious to modify the shape of the references to be triangular since it is expected that the Applicant's invention would perform equally well with a round, rectangular or triangular attachment when cleaning walls because these shapes perform the same function of cleaning equally well.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 7:00-4:30 M-Th, alternating F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Slk
11/16/06



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